

THE EVENING STAR

DATE 20 JAN 71PAGE 2**REFUGEE'S APPEAL****CIA Secrecy Limit Sought**By **LYLE DENNISTON**

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An East European refugee has asked the Supreme Court to limit the Central Intelligence Agency's use of secrecy to cloak its anti-Communist activities within this country.

An appeal filed yesterday brings before the justices for the first time a six-year-old lawsuit growing out of the activities of former Estonians who left their homeland to escape Soviet domination.

Eerik Heine, of Rexdale, Ontario, Canada, has been trying since late 1964 to sue another former Estonian for \$110,000 in damages.

His case is based on a claim that he was slandered by Juri Raus of Hyattsville, Md., whom the CIA claims was one of its secret agents.

Had Orders, CIA Says

Heine accused Raus of calling him a Communist and a Soviet agent in order to discredit Heine with former Estonians living in this country.

The CIA has claimed that

Raus was acting under orders in 1964 when he spread the word that Heine was a Communist agent.

This was done after Heine had gained popularity as a "freedom fighter" among Estonians. The CIA — believing him to be a Red agent — wanted to destroy his prestige among the refugees in the Estonian community. But Heine's slander lawsuit has not been tried because the CIA has declined — on grounds of secrecy — to provide answers to all the questions Heine lawyers would need to raise in order to win their case.

Immunity Claimed

The agency has insisted that Raus spoke against Heine under orders from an unnamed "counterintelligence officer," and that Raus therefore is immune to any lawsuit for what he did.

U.S. District Judge Rozzel C. Thomson of Baltimore, supported by the 4th Court of appeals, has ruled that the suit must be dismissed because the CIA agent was acting officially and thus may not be sued.

Appealing to the Supreme Court yesterday, Heine's attorneys asked the justices to narrow the CIA's right to secrecy and, in addition, its right to use agents as it sees fit to discredit leaders among refugees from Eastern Europe.

The lower court decisions under challenge in the appeal apparently mean that the CIA may put its agents to work to destroy the reputation of people it regards as a threat to its foreign intelligence-gathering operations.

Need Not Answer

The decisions also seem to mean that the CIA need not answer in court for its agents' actions which do injure the standing of a refugee leader.

Heine's appeal argued that the CIA is given no power in the internal security field. It thus is without power, the appeal contended, to take steps in this country to protect its foreign intelligence sources.

All that the agency may do domestically, the Heine appeal insisted, is prevent the disclosure of its secret information.